

EXHIBIT 17

WADE BILLER
12/10/2021

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	No. 20-cv-00983-TSZ
)	
CITY OF SEATTLE,)	
)	
Defendant.)	

ZOOM 30(b)6 Deposition Upon Oral Examination

Of

WADE BILLER - ONYX HOMEOWNERS ASSOCIATION

DATE: Friday, December 10, 2021

REPORTED BY: Mindy L. Suurs, CSR No. 2195

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1 Q. And was there -- was 12th open to vehicular
2 traffic between Olive and Pine during that period?

3 A. No.

4 Q. At any point before June 8th, was the garage to
5 the Onyx ever blocked?

6 A. No. Well, clarify, blocked by what?

7 Q. By anything. Making -- impeding access to the
8 garage.

9 A. A potential recycle truck or a garbage truck
10 potentially. That was about it.

11 Q. But nothing that was not transitory.

12 A. Correct.

13 Q. Was there -- when did -- at some point in June,
14 did you -- did there become graffiti on the Onyx ever?

15 A. Could you restate that? Was that prior to --
16 what part of June?

17 Q. Well, prior to June 8th, do you recall there
18 being graffiti on the Onyx?

19 A. From time to time. Occasionally.

20 Q. And when there would be graffiti on the building,
21 what would -- what would the homeowners association do
22 about it?

23 A. At that time we were still under the City having
24 the expectation that it would be removed and cleaned so it
25 doesn't become habitual and that it doesn't cause more

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1 come up missing and then get returned and sometimes they
2 were empty. So overnight they would get moved and then
3 they would reappear the next morning.

4 Q. Did any of the unit owners complain about garbage
5 not being available -- the garbage dumpsters not being
6 available?

7 A. They are primarily recycle. The one compactor --
8 the compactor unit the residents are not aware of. It
9 doesn't impact them directly. Their recycle bins -- there
10 may have been questions asked about it, but it's not
11 uncommon for them to be on the street, and they typically
12 pile up the recyclables inside the garage anyway when that
13 occurs, so --

14 Q. I guess more generally, was the Onyx garbage and
15 recycling generally picked up and dealt with in a somewhat
16 timely fashion during June?

17 A. I didn't -- I was not under the impression that
18 there was any -- any service disruption during June.

19 Q. Did any homeowners complain to you about access
20 issues with the garage during June 2020?

21 A. No, but we did put up notice informing people to
22 ensure that be on the watch to make sure that people did
23 not attempt to block the driveway or put in barriers. We
24 didn't have that type of activity taking place at the
25 garage entrance during June.

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1 think that would be minimizing the concept of
2 constitutional rights. Can't narrow it down mere -- to
3 narrow that down to mere additional security or graffiti
4 removal.

5 Q. Okay. So there are -- the constitutional --
6 alleged constitutional violations aren't related to
7 property damage?

8 A. Correct.

9 Q. Are they related to a loss in value to the
10 homeowners association of some sort?

11 A. No.

12 Q. Are they related to any loss of income to the --
13 to the homeowners association?

14 A. No. We're a nonprofit, and there has been no
15 impact to our assessments.

16 Q. Are they -- has the homeowners association
17 suffered some loss of good will?

18 A. Could you clarify good will?

19 Q. Has the homeowners association, in your mind,
20 lost some sort of inherent value from being an ongoing
21 entity?

22 A. I'm not following the question.

23 Q. Has the homeowners association had its reputation
24 damaged, in your estimation?

25 A. No.

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1 aftermath."

2 A. Yes, so the personal damages would be the
3 out-of-pocket expense.

4 Q. Okay. The -- this was provided to us -- this
5 document was served in a lawsuit on September 28th, 2020,
6 so the -- this reference to personal damages as it relates
7 to the injuries that you suffered when you were cut by the
8 machete on September 8th. Is that what your testimony is?

9 A. Correct.

10 Q. Okay. And the emotional damages -- what -- do
11 those -- what do those relate to?

12 A. I would say the circumstances that were allowed
13 to unfold due to the standoffish nature of deescalating
14 demonstrators by the City.

15 Q. And how much -- what dollar figure are you
16 seeking in this lawsuit to compensate you for your alleged
17 emotional damages?

18 A. I'm not seeking a dollar amount in regards to the
19 emotional damages and/or -- I'm only seeking the
20 reimbursement for out-of-pocket for personal medical bills
21 in regards to that particular instance.

22 Q. And as a putative class representative on behalf
23 of other residents in the Cal Anderson area, are you -- is
24 it your belief that none of the residents in the Cal
25 Anderson area are seeking emotional distress damages in

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REPORTER'S CERTIFICATE

I, Mindy L. Suurs, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the foregoing testimony of WADE BILLER was given before me at the time and place stated therein and thereafter was transcribed under my direction;

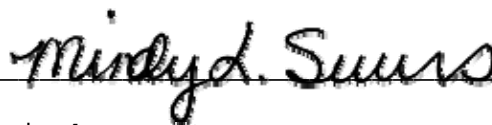
That the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability;

That the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript;

That the witness, before examination, was by me duly sworn to testify the truth, the whole truth, and nothing but the truth;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel and that I am not financially interested in the said action or the outcome thereof;

DATE: December 20, 2021



Mindy L. Suurs
Certified Court Reporter #2195



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Please record any changes or corrections on this sheet, indicating page number, line number, and reason for the change.

<u>Page</u>	<u>Line</u>	<u>Correction and Reason</u>
10	18	Clint Zaner is correctly spelled Clint Saner
11	13	Clint Zaner is correctly spelled Clint Saner
30	4	Q indicating Question should actually be A indicating Answer
200	6	Bernesta is correctly spelled Vernesta
222	10	oh, Mari is correctly spelled Omari
228	15	Lamon is correctly spelled Malone

(Signature here and on deposition)

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S I G N A T U R E

I declare that I have read my within deposition,
taken on Friday, December 10, 2021, and the same is true
and correct save and except for changes and/or corrections,
if any, as indicated by me on the "CORRECTIONS" flyleaf
page hereof.

Signed in Seattle, Washington,
this 27th day of December, 2021.



WADE BILLER

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